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VIA FACSIMILE 703/872-9311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of : Group Art Unit 1772
MICHAEL A. O'NEILL : Examiner Donald J. Loney
Serial No. 09/981,083 :
Filed October 16, 2001 :
Entitled :
FIBER-REINFORCED COMPOSITE :
STRUCTURE :

PETITION TO WITHDRAW APPLICATION FROM
ISSUE UNDER 37 CFR § 1.313

08/06/2003 KWASHINGTON 00000018 022556 09981083

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June 30, 2003

Commissioner for Patents
MAIL STOP ISSUE FEE
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests withdrawal of the above-referenced patent application from issue for further action by the Examiner for the following reasons.

During prosecution of related, commonly owned Patent Application No. 09/690,660, the Examiner cited U.S. Patent No. 5,851,457 (Peterson et al.), U.S. Patent No. 4,351,873 (Davis), and European Patent Application No. EP 0307290. The Examiner informed the Applicant that Peterson and the European Patent Application both show the hermetic seal recited in Claim 33 of the Application Serial No. 09/690,660. Claims 1 and 44 of Patent Application Serial no. 09/981,083 are similar in scope to the previous Claim 33 of the '660 application, and would have been rejected if the Examiner of the '083 application had reviewed these references.

The three additional references cited by the Examiner during prosecution

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of the '660 application are not in the prosecution history of the '083 application. Therefore, the Examiner did not consider these additional references.

Claims 1 and 44 in the '083 application, and the claims dependent therefrom, are therefore unpatentable.

Applicant has enclosed herewith an Amendment to Claims 1 and 44 of the '083 application. Applicant has amended Claim 1 to include the additional recitation that the fibrous layer between the at least two outer polymeric layers is a directional fabric comprising a plurality of generally parallel fibrous toe bundles, and a predetermined stitching connecting together the toe bundles and allowing each bundle to move laterally a distance within a range of about one to two times a width of a bundle. Applicant has amended Claim 44 to include the additional recitation of a gate defined within one of the polymeric sheets, along with means for sealing the gate. None of the art of record teaches or suggests this recitation, and this recitation resulted in allowance of independent Claim 32 of the '660 patent application.

Applicant is additionally submitting herewith an Information Disclosure Statement including copies of the relevant references (including Canadian pat. no. 1,319,234 which is an English language equivalent of the European patent application), a Request for Continued Examination and authorization to charge the Deposit Account No. 02-2556 of Eckert Seamans Cherin & Mellott, LLC, the amount of \$750.00 to cover the fee for the Request for Continued Examination, and the \$130.00 Petition fee. The USPTO is hereby authorized to charge any additional fee or credit any overpayment to this deposit account.

Respectfully submitted,

William F. Lang IV

William F. Lang, IV
Registration No. 41,928
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-2024
Attorney for Applicant

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